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and FCI Italia S.p.A.*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:	:	Chapter 11
	:	Case No. 05-44481 (RDD)
DELPHI CORPORATION, <i>et al.</i> ,	:	
	:	(Jointly Administered)
Debtors.	:	
	:	
	:	

**RESPONSE OF FCI USA, INC. AND AFFILIATES
TO DEBTORS' TWENTIETH OMNIBUS OBJECTION TO CLAIMS
(CLAIM NOS. 14125, 14126, 14127, 14128, 14129, 14130 AND 14042)**

FCI Canada Inc., FCI Austria GmbH, FCI Electronics Mexido, S. de R.L. de C.V., FCI
USA, Inc., FCI Automotive France, S.A., FCI Automotive Deutschland GmbH, and FCI Italia
S.p.A. (collectively, "FCI"), by their undersigned counsel, hereby respond to the Debtors'
Twentieth Omnibus Claims Objection (the "Objection") as follows:

1. On July 31, 2006, FCI timely filed the following Proofs of Claims against Delphi
Automotive Systems LLC in Case No. 05-44640 (each a "Proof of Claim" and collectively, the
"Claims"):

Claim No.	Claimant	Amount of Claim
14042	FCI Austria GmbH	\$711.42
14125	FCI Canada Inc.	\$76,964.21
14126	FCI Automotive Deutschland GmbH	\$376,357.61
14127	FCI Italia SPA	\$361.40
14128	FCI Electronics Mexido S de RL de CV	\$294,001.77
14129	FCI Automotive France SA	\$15,945.87
14130	FCI USA Inc.	\$407,299.95

2. Due to potential uncertainty with respect to the identity of the debtor entity against which FCI should file the Claims, FCI filed an identical copy of each Proof of Claim against Delphi Mechatronic Systems, Inc. in Case No. 05-44567, and Delphi Electronics (Holdings) LLC in Case No. 05-44547 (the "Duplicate Claims").

3. On December 21, 2006, and January 22, 2007, this Court entered Orders approving Debtors' Second and Fourth Omnibus Claim Objections. These Orders expunged the Duplicate Claims, leaving the Claims intact as the "surviving claims."

4. Attached to each Proof of Claim, excluding the Proof of Claim filed by FCI Automotive Deutschland GmbH (Claim No. 14126), is a detailed spreadsheet identifying, *inter alia*, for each invoice as to which the applicable FCI entity asserts amounts are due, the following: customer name; FCI part number; Delphi part number; customer order/purchase order number; invoice number; and amount due.

5. Attached to the Proof of Claim filed by FCI Automotive Deutschland GmbH (Claim No. 14126) is a detailed spreadsheet identifying for each invoice as to which FCI Automotive Deutschland GmbH asserts amounts are due, the following: customer name and location shipped to; invoice (reference) number and date; invoice due date; and amount due.

6. The basis of Debtors' Objection to Claim No. 10042 is that Debtors' books and records show no amount is due.

7. The basis of Debtors' Objection to Claim Nos. 14125 through 14130 appears to be that these claims "state the incorrect amount or are overstated" and/or should be allocated among other Debtors.

8. The Debtors do not assert in the Objection, nor could they assert in light of the detailed information included in each Proof of Claim, that the Claims do not contain sufficient documentation for the Debtors to make a meaningful review of the Claims.

9. In sum, the Claims were filed in accordance with the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure. Rule 3001(f) provides that "[a] proof of claim executed and filed in accordance with these rules shall constitute *prima facie* evidence of the validity and amount of the claim." Fed.R.Bankr.P. 3001(f). Thus, the Claims are *prima facie* valid.

10. In order to overcome the presumption of validity, the party opposing a claim must present evidence equal in force to the *prima facie* case. See *In re Reilly*, 245 B.R. 768, 773 (2d Cir. B.A.P. 2000) ("A properly executed and filed proof of claim constitutes *prima facie* evidence of the validity of the claim. To overcome this *prima facie* evidence, the objecting party must come forth with evidence which, if believed, would refute at least one of the allegations essential to the claim." (citation omitted); *In re King*, 305 B.R. 152, 162 (Bankr. S.D.N.Y. 2004) ("It is well settled that the party objecting to a proof of claim has the burden of coming forward with *sufficient evidence* rebutting the validity of a properly filed proof of claim."); *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173 (3d Cir. 1992). The evidence presented must be of substance, as "the mere denial of the validity or amount is not sufficient." *In re Glenn*, 100 B.R. 763, 766 (Bankr. W.D. Pa. 1989). Moreover, "the burden of going forward with the proof is on

the objecting [party], not the claimant. That burden is not satisfied by the mere filing of an objection.” *In re Lanza*, 51 B.R. 125, 127 (Bankr. D. N.J. 1985) (citations omitted). An objection alone is not sufficient to meet these standards since “the objection in and of itself is a mere statement of invalidity and insufficient to contest the *prima facie* case. A trustee must document his objection with probative evidence to satisfy his burden of going forward.” *In re King Resources Co.*, 20 B.R. 191, 197 (D. Colo. 1982).

11. As noted above, the Claims are *prima facie* valid and the Debtors have failed to provide sufficient evidence to overcome a properly filed proof of claim’s *prima facie* evidence of validity. Thus, the Debtors’ mere assertion that the Claims are overstated, assert an incorrect amount, or should be allocated to another Debtor, without any other evidence is not sufficient documentation equal in force to the *prima facie* validity of FCI’s properly filed Claims.

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WHEREFORE, FCI respectfully requests that this Court enter an order (i) denying the Objection, (ii) allowing the Claims in full, and (iii) granting such other and further relief to FCI as is appropriate.

Dated this 19th day of September, 2007.

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